

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

FLIR SYSTEMS, INC.,

10-CV-231-BR

Plaintiff,

ORDER

v.

MOTIONLESS KEYBOARD COMPANY,
an Oregon corporation, and
THOMAS L. GAMBARO, an
individual,

Defendants.

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BROWN, Judge.

This matter comes before the Court on Defendant Thomas L. Gambaro's Motion (#66) for Court Order to Grant Unsealing of Protective Order Documents and Motion (#80) to Accelerate Unsealing of Protective Order Documents in which Gambaro requests this Court to lift the Protective Order issued by Chief Judge Ann L. Aiken captioned *Motionless Keyboard Company v. Microsoft Corporation*, 04-CV-180-AA, (*Motionless Keyboard* matter) to permit Gambaro's access to those documents for his use in this action.

On September 9, 2010, the Court issued an Order (#78) and Notice of Motion to Unseal Protective Order to provide the

parties to the protective order an opportunity to respond to Gambaro's Motion. On October 27, 2010, Saitek Industries, Inc., a party to the protective order and a defendant in the *Motionless Keyboard* matter, filed its opposition to Gambaro's Motions. On January 11, 2011, the Court heard oral argument on, *inter alia*, Gambaro's Motions.

For the reasons stated on the record at oral argument, the Court **GRANTS in part** and **DENIES in part** Defendant Gambaro's Motion (#66) for Court Order to Grant Unsealing of Protective Order Documents and Motion (#80) to Accelerate Unsealing of Protective Order Documents as follows:

The Court **GRANTS in part** Gambaro's Motions insofar as Gambaro seeks to access those documents that either originated with Gambaro or MKC or that constitute public documents and that are being held by counsel for MKC in the *Motionless Keyboard* matter. Neither Saitek nor any other party objects to Gambaro's access to such documents, and the Court concludes disclosure of these materials does not violate the protective order at issue. Thus, the Court permits Gambaro to seek access to those documents.

The Court **DENIES in part** Gambaro's Motions insofar as Gambaro seeks an order of this Court to lift the seal to permit Gambaro to access documents produced by any of the defendants and covered by the protective order in the *Motionless Keyboard*

matter. Thus, the Court denies Gambaro's Motions to the extent Gambaro requests the Court to alter, to amend, or otherwise to suspend Chief Judge Aiken's protective order in the *Motionless Keyboard* matter.

IT IS SO ORDERED.

DATED this 12th day of January, 2011.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge